

**REVISED FISCAL IMPACT STATEMENT ON BILL NO. S.429, Senate Amendment**

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TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Allan Kincaid, Beth Quick, Ken Brown, Rodney Grizzle, and Earle Powell		
DATE:	April 29, 2008	SBD:	2008257

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AUTHOR:	Senator Malloy	PRIMARY CODE CITE:	17-28-10
SUBJECT:	Access to Justice - Post-Conviction DNA Procedures Act		

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ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:  
A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:  
A Cost to Federal and/or Other Funds (See Below)

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**BILL SUMMARY:**

Senate Bill 429, as amended, would allow a person convicted of a criminal offense to apply, at any time after conviction or adjudication, to the courts for DNA testing of any biological material.

**EXPLANATION OF IMPACT:**

Attorney General's Office

*Based on expected cases, the total cost per case to the Attorney General's Office would be \$2,000. The number of cases may be as high as 695. If there are that many cases, the total cost may approach \$1.4 million in General Funds and require additional staff.*

Commission on Indigent Defense

*The Commission indicates that the proposed legislation would impact the agency at two levels, the hearing level and the appellate level. The cost of a single case at the hearing level is capped at \$1,000, with the average cost being approximately \$800. The cost of a single appeals case averages approximately \$1,000. The total number of cases which might be filed based upon this legislation has yet to be determined. Any increases in cost to the Commission would be Other Funds expenditures.*

Prosecution Coordination Commission

The Commission indicates the Bill will have an impact on the State General Fund expenditures. However, the agency indicates it does not have sufficient data upon which to base an estimate. Court rulings, as yet to be made under the Bill's provisions, would be a major factor in determining the cost to the agency.

Department of Public Safety

The Department indicates this Bill will have a minimal impact on expenditures associated with additional storage space requirements for "DNA" type evidence. However, the agency anticipates such costs can be absorbed within existing resources.

Department of Corrections

The Department indicates that this Bill will have a minimal impact on the expenditures for the collection of DNA materials and the storage of evidence as required by the legislation. However, the agency anticipates that the identified costs can be absorbed by the agency at the current level of funding.

### Other Agencies

The Department of Juvenile Justice, the Judicial Department and SLED each indicate this Bill will have minimal impact to their agencies which can be absorbed within existing resources

### Recapitulation

*The total cost depends on the number of cases brought before the State. The number of cases for petition is undeterminable at this time. However, the cost on a case-by-case basis for those agencies reporting to date is estimated at \$4,000 per case (approximately \$2,000 each for Indigent Defense and Attorney General).* This does not include any potential cost to the Prosecution Coordination Commission.

### **LOCAL GOVERNMENT IMPACT:**

The FIST network of local governments was surveyed to determine the impact of this Bill. Three municipalities responded with little or no impact. Responses from county governments are pending.

### **SPECIAL NOTES:**

*The italicized portion of this impact indicates the items that have been revised. For this impact, the revised constitutes information that was not available in the original impact.*

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive, flowing style.

Harry Bell  
Assistant Director, Office of State Budget